

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

SECOND DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, January 9, 2013

The Senate convened at 12:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, John Fette, followed by the Pledge of Allegiance led by Senate page Anna Stambach.

Roll Call: All members present except Sens. Krebs and Rampelberg who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

January 8, 2013

The Honorable Matt Michels
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501-5070

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Article IV, Section 9, of the Constitution, and subject to your consent, I am honored to inform you that I have appointed Larry Zimmerman, Pennington County, Rapid City, South Dakota, to the position of Secretary of the Department of Veterans Affairs.

This appointment is effective January 8, 2013.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the appointment to the committee on State Affairs.

REPORTS OF JOINT-SELECT COMMITTEES

MR. PRESIDENT:

Your Joint-Select Committee appointed on joint rules respectfully reports that it has had under consideration the joint rules and recommends that the joint rules of the Eighty-seventh Legislative Session be adopted as the joint rules of the Eighty-eighth Legislative Session with the following changes:

Amend Chapter 12 of the Joint Rules by adding a new section to read as follows:

12-6. Two-thirds majority vote required to repeal or amend a sunset provision in the case of a tax statute. Any repeal of or amendment to a provision which automatically abolishes the imposition of a tax at a specified time allowing the tax to continue in force requires an affirmative vote of two-thirds of the members elect.

Amend Section 7-1.2 of the Joint Rules as follows:

7-1.2. Committee action on bills and resolutions. Unless otherwise ordered under Joint Rule 6D-2 1, all bills or resolutions shall be referred to one of the standing committees. The chair of a standing committee may then assign a bill or resolution to a subcommittee of that

standing committee. All subcommittees shall return such bills or resolutions as are assigned to them for consideration, to the standing committee with or without recommendation and within the time which will permit the full standing committee to act upon the bill or resolution.

The joint rules and the rules of the Senate and House shall be printed in the Senate Journal.

Respectfully submitted,
 Brian Gosch
 David Lust
 Bernie Hunhoff
 House Committee

Respectfully submitted,
 Corey Brown
 Russell Olson
 Jason Frerichs
 Senate Committee

Also MR. PRESIDENT:

Your Joint-Select Committee appointed to make arrangements for legislative days respectfully reports that we recommend the days of the Eighty-eighth Legislative Session be January 8 through January 11, January 15 through January 18, January 22 through January 25, January 28 through January 31, February 4 through February 7, February 11 through February 14, February 19 through February 22, February 25 through February 28, March 4 through March 8, and March 25.

Respectfully submitted,
 Jon Hansen
 Scott Munsterman
 Peggy Gibson
 House Committee

Respectfully submitted,
 Corey Brown
 Russell Olson
 Jason Frerichs
 Senate Committee

Also MR. PRESIDENT:

Your Joint-Select Committee appointed to make arrangements for a Memorial Service for deceased former members of the South Dakota House of Representatives and Senate respectfully reports that they recommend that the House of Representatives and Senate recess and convene in the House Chamber at 3:00 p.m. on January 17, 2013, and that a Joint Memorial Resolution be introduced in their memory by their colleagues in the House of Representatives and Senate.

A short program will follow the introduction of the Memorial Resolution. At the conclusion of the Memorial Service, the Joint Session will be dissolved.

The Memorial Resolution shall be printed in the House and Senate Journals.

Respectfully submitted,
 Hal Wick
 Scott Craig
 Steve Hickey
 Dennis Feickert
 House Committee

Respectfully submitted,
 Mike Vehle
 Mark Johnston
 Jim Bradford
 Senate Committee

1 Also MR. PRESIDENT:

2 Your Joint-Select Committee appointed for the purpose of fixing the compensation of the
3 elective and appointive officers and employees of the House and Senate for the Eighty-eighth
4 Legislative Session, pursuant to SDCL 2-5-8, respectfully reports that a salary schedule for the
5 elective and appointive officers and employees has been developed and filed with the Director
6 of the Legislative Research Council and the State Auditor.

7 In regard to the system for payment of travel expenses to legislators we respectfully report
8 that:

9 (1) A form listing each weekend during session will be delivered to legislators. Legislators
10 will be asked to list their travel on that single sheet which would be signed and turned in
11 at the close of session. Also, pursuant to statute, a voucher must also be signed by each
12 legislator requesting travel reimbursement.

13 (2) Legislators driving their own car home for a weekend will receive mileage paid at state
14 rates (37 cents per mile). Legislators not driving home will not be entitled to
15 reimbursement unless they leased a vehicle or somehow incurred an expense, equivalent
16 to 37 cents per mile, in such travel.

17 (3) Legislators flying commercially will receive the equivalent of flight expenses as long
18 as it does not exceed 37 cents per mile.

19 (4) Legislators flying charter or in their own plane will be reimbursed for actual expenses
20 as long as it does not exceed 37 cents per mile.

21 (5) A maximum of ten trips will be considered for the 2013 Legislative Session, including
22 the trip for the final legislative day.

23 (6) Pursuant to constitutional provisions, legislators will be paid for their initial trip to
24 Pierre and their final trip home at the rate of 5 cents per mile.

25 Respectfully submitted,
26 Brian Gosch
27 David Lust
28 Bernie Hunhoff
29 House Committee

Respectfully submitted,
Corey Brown
Tim Rave
Jason Frerichs
Senate Committee

30 Also MR. PRESIDENT:

31 Your Joint-Select Committee appointed relative to securing chaplains for the Eighty-eighth
32 Legislative Session respectfully reports:

33 We have conferred with the Pierre/Ft. Pierre Ministerial Association and have arranged
34 for ministers to participate on a part-time basis under the direction of Pastor Sarah Goldammer,
35 Lutheran Memorial Church, as chief chaplain, to serve the Senate and House as chaplains

1 throughout the Eighty-eighth session of the Legislature. The chaplains are as follows:

2 Dan Bader, Josh Baumann, Don Block, Paul Bly, Susan Carr, Larry Cass, John Fette,
3 Sarah Goldammer, Mercy Hobbs, David Hussey, Rolly Kemink, Karl Kroger, Wes LaBrier,
4 Mark McCormick, Auggie Minzlaff, Sunshine Minzlaff, J. P. Mosley, Brian Nelson, Dodie
5 Noordermeer, Brad Urbach, and David Zellmer.

6 Respectfully submitted,
7 Scott Craig
8 Steve Hickey
9 Dennis Feickert
10 House Committee

Respectfully submitted,
Larry Rhoden
Bill Van Gerpen
Larry Lucas
Senate Committee

11 Also MR. PRESIDENT:

12 Your Joint-Select Committee appointed for the purpose of conferring with the Director of
13 the Legislative Research Council in regard to making arrangements for the distribution of the
14 official directory, House and Senate journals and bills, and other legislative printing for the two
15 houses and the state offices with the full power to act respectfully reports that:

16 The Legislature orders 170 copies of the Senate and House bills and resolutions (each); and
17 150 copies of the Senate and House daily journals (each) for the Eighty-eighth Legislative
18 Session.

19 The free distribution of sets of bills, resolutions, and daily journals shall be as follows:

20 Eight copies for the Governor's Office, thirteen copies for the Supreme Court, eleven
21 copies for the Legislative Research Council, thirteen copies for the State Library Depository,
22 three copies for the Attorney General, two copies for the Bureau of Finance and Management,
23 four copies for the Secretary of State, two copies for the Department of Legislative Audit, one
24 copy for the Code Commission, one copy for the State Treasurer, one copy for the State
25 Auditor, one copy for the Commissioner of School and Public Lands, one copy for the Public
26 Utilities Commission, and press copies as needed. Accomplishment of this distribution may be
27 satisfied, in whole or in part, by obtaining electronic copies of these documents from the
28 legislative Web site.

29 State's Attorneys and County Auditors shall receive free copies of bills and journals if they
30 pay mailing charges at a rate of \$50 per set (bills or journals) for first-class mailing.

31 Distribution of bills and journals to state officials, boards, commissions, and institutions
32 will be made upon request in writing to the Legislative Documents Room at a charge of
33 \$132 per set of bills and \$175 per set of journals plus mailing charges, if applicable.

34 One copy of the official directory (red book) shall be distributed to each Senator and
35 Representative, thirteen copies to the State Library, three copies to the Secretary of State and
36 a copy shall also be made available to state departments and the press upon request to the
37 Director of the Legislative Research Council. The public may obtain a copy for a fee of

1 \$6 payable to the Legislative Documents Room.

2 One free copy of the South Dakota Legislative Index shall be distributed to the Governor,
3 the Lieutenant Governor, the Attorney General and the Supreme Court; thirteen free copies to
4 the State Library Depository; and one free copy to Senators and Representatives. Upon written
5 request to the Legislative Documents Room before January 31, 2013, all other state and private
6 entities may purchase the South Dakota Legislative Index at a cost of \$35 per copy.

7 The Chief Mailing Clerk shall upon written request furnish any individual, firm,
8 corporation, association, or other organization with a set of House and Senate bills for \$132 per
9 set and a set of journals for \$175 per set for the Eighty-eighth Legislative Session, plus mailing
10 charges, if applicable.

11 Legislators may have two copies of all bills and resolutions and two copies of the daily
12 journals distributed or mailed to constituents within the legislator's own district if constituents
13 or legislators pay mailing charges of \$50 per set for first-class mailing.

14 Registered lobbyists shall be entitled to one copy of the official directory upon payment
15 of the \$40 registration fee to the Secretary of State; and upon payment of an additional \$132 per
16 set of bills and \$175 per set of journals plus mailing charges, if applicable, to the Legislative
17 Documents Room, shall be entitled to one copy of all bills and resolutions or journals pursuant
18 to SDCL 2-12-3.

19 Bill status reports will be printed and sold to state agencies at cost and to registered
20 lobbyists for \$200 payable to the Legislative Documents Room which receipted funds shall be
21 used to pay the printing costs. If bill status is mailed, the cost is \$125 for first-class postage.

22 A free daily copy of the bill status report shall be distributed as follows:

23 Governor; Speaker of the House; Speaker Pro tempore of the House; House Majority
24 Leader; House Minority Leader; House Lobby; Chief Clerk of the House; Lieutenant Governor;
25 President Pro tempore of the Senate; Senate Majority Leader; Senate Minority Leader; Senate
26 Lobby; Secretary of the Senate; Page Advisor; Attorney General; Bureau of Finance and
27 Management; Secretary of State; Treasurer's Office; Auditor's Office; Office of School and
28 Public Lands; and Legislative Research Council. Accomplishment of this distribution may be
29 satisfied, in whole or in part, by obtaining electronic copies of these documents from the
30 legislative Web site.

31 The Chief Mailing Clerk shall at the end of the session file a report with the Director of
32 the Legislative Research Council of all money paid for the purchase of bills and journals and
33 show proof of having deposited such money with the State Treasurer. Such funds shall be used
34 to offset the costs of postage and printing of bills and journals.

35 Respectfully submitted,
36 Jacqueline Sly
37 Kristin Conzet
38 Scott Parsley
39 House Committee

Respectfully submitted,
Tim Rave
Ryan Maher
Billie Sutton
Senate Committee

1 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2 SB 1 Introduced by: Senators Maher, Rampelberg, Rhoden, Sutton, and Tieszen and
3 Representatives Magstadt, Hawley, Hoffman, Olson (Betty), Rozum, Schrempp, and Solum at
4 the request of the Interim Oil and Gas Study Committee

5 FOR AN ACT ENTITLED, An Act to revise the provisions regarding plugging and
6 performance bonds for oil and gas wells and to repeal the supplemental restoration bond
7 requirement.

8 Was read the first time and referred to the Committee on Agriculture and Natural
9 Resources.

10 SB 2 Introduced by: Senators Sutton, Maher, Rampelberg, Rhoden, and Tieszen and
11 Representatives Olson (Betty), Hawley, Hoffman, Magstadt, Rozum, Schrempp, and Solum at
12 the request of the Interim Oil and Gas Study Committee

13 FOR AN ACT ENTITLED, An Act to provide funding for unresolved surface depredation
14 caused by oil and gas exploration and to make an appropriation therefor.

15 Was read the first time and referred to the Committee on Appropriations.

16 SB 3 Introduced by: Senators Olson (Russell), Bradford, Johnston, Jones, Kirkeby, Peters,
17 Tidemann, and White and Representatives Dryden, Munsterman, and Wismer at the request of
18 the Interim Postsecondary Education-Purpose and Funding Study Committee

19 FOR AN ACT ENTITLED, An Act to require the reporting of the outcomes of certain
20 licensure and certification examinations.

21 Was read the first time and referred to the Committee on Education.

22 SB 4 Introduced by: Senators Olson (Russell), Bradford, Johnston, Jones, Kirkeby, Peters,
23 Tidemann, and White and Representatives Dryden, Munsterman, and Wismer at the request of
24 the Interim Postsecondary Education-Purpose and Funding Study Committee

25 FOR AN ACT ENTITLED, An Act to require the Department of Labor and Regulation
26 to determine certain job placement outcomes for graduates of all public postsecondary
27 education institutions in the state.

28 Was read the first time and referred to the Committee on Education.

29 SB 5 Introduced by: Senators Olson (Russell), Bradford, Johnston, Jones, Kirkeby, Peters,
30 Tidemann, and White and Representatives Dryden, Munsterman, and Wismer at the request of

the Interim Postsecondary Education-Purpose and Funding Study Committee

FOR AN ACT ENTITLED, An Act to establish the public purpose and goals of postsecondary education, to provide for the funding of postsecondary education, and to create the Council on Higher Education Policy Goals, Performance, and Accountability.

Was read the first time and referred to the Committee on Education.

SB 6 Introduced by: Senators Rhoden, Frerichs, and Sutton and Representatives Peterson, Cronin, and Schaefer at the request of the Agricultural Land Assessment Implementation and Oversight Advisory Task Force

FOR AN ACT ENTITLED, An Act to determine whether factors affecting productivity should be applied if the actual use of agricultural land does not correspond to the soil classification standards.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

SB 7 Introduced by: The Committee on Commerce and Energy at the request of the South Dakota Real Estate Commission

FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the registration of a place of business with the Real Estate Commission.

Was read the first time and referred to the Committee on Commerce and Energy.

SB 8 Introduced by: The Committee on Appropriations at the request of the Board of Regents

FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building Authority and the Board of Regents to finance, design, construct, furnish, and equip a sports performance enhancement facility arena and a new outdoor track and soccer complex at the University of South Dakota and to make an appropriation therefor.

Was read the first time and referred to the Committee on Appropriations.

SB 9 Introduced by: The Committee on Appropriations at the request of the Board of Regents

FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to accept the donation of land from the University of South Dakota Foundation for the use and benefit of the University of South Dakota.

1 Was read the first time and referred to the Committee on Appropriations.

2 SB 10 Introduced by: The Committee on Appropriations at the request of the Board of
3 Regents

4 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
5 construction of swine teaching and research facilities at South Dakota State University and to
6 make an appropriation therefor.

7 Was read the first time and referred to the Committee on Appropriations.

8 SB 11 Introduced by: The Committee on Appropriations at the request of the Board of
9 Regents

10 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
11 construction of an indoor practice and human performance facility on the campus of South
12 Dakota State University and to make an appropriation therefor.

13 Was read the first time and referred to the Committee on Appropriations.

14 SB 12 Introduced by: The Committee on Commerce and Energy at the request of the
15 Public Utilities Commission

16 FOR AN ACT ENTITLED, An Act to update citations and revise certain provisions
17 regarding permits for energy facilities.

18 Was read the first time and referred to the Committee on Commerce and Energy.

19 SB 13 Introduced by: The Committee on State Affairs at the request of the Governor's
20 Office of Economic Development

21 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
22 administration of mineral rights on and under research parks.

23 Was read the first time and referred to the Committee on State Affairs.

24 SB 14 Introduced by: The Committee on Education at the request of the Department of
25 Education

26 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the automated
27 library system fund.

28 Was read the first time and referred to the Committee on Education.

SB 15 Introduced by: The Committee on Education at the request of the Department of Education

FOR AN ACT ENTITLED, An Act to revise certain provisions regarding state aid to special education.

Was read the first time and referred to the Committee on Education.

SB 16 Introduced by: The Committee on Agriculture and Natural Resources at the request of the Department of Agriculture

FOR AN ACT ENTITLED, An Act to authorize the Brand Board to establish a service fee for certain local inspections of livestock and to declare an emergency.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

SB 17 Introduced by: The Committee on Agriculture and Natural Resources at the request of the Department of Agriculture

FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated natural resources conservation fund to the State Conservation Commission.

Was read the first time and referred to the Committee on Appropriations.

SB 18 Introduced by: The Committee on Appropriations at the request of the Department of Agriculture

FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture to construct a 4-H exhibit hall in Huron and to make an appropriation therefor.

Was read the first time and referred to the Committee on Appropriations.

SB 19 Introduced by: The Committee on Appropriations at the request of the Department of Agriculture

FOR AN ACT ENTITLED, An Act to authorize the Department of Agriculture to construct a housing unit in Huron, to make an appropriation therefor, and to declare an emergency.

Was read the first time and referred to the Committee on Appropriations.

SB 20 Introduced by: The Committee on Agriculture and Natural Resources at the request

1 of the Department of Agriculture

2 FOR AN ACT ENTITLED, An Act to revise the purpose of the agriculture mediation
3 program.

4 Was read the first time and referred to the Committee on Agriculture and Natural
5 Resources.

6 SB 21 Introduced by: The Committee on Agriculture and Natural Resources at the request
7 of the Department of Agriculture

8 FOR AN ACT ENTITLED, An Act to eliminate ownership inspection for horses and
9 mules.

10 Was read the first time and referred to the Committee on Agriculture and Natural
11 Resources.

12 SB 22 Introduced by: The Committee on Appropriations at the request of the Department
13 of Agriculture

14 FOR AN ACT ENTITLED, An Act to make an appropriation for the construction and
15 renovation of certain office buildings in Rapid City for the Department of Agriculture and to
16 declare an emergency.

17 Was read the first time and referred to the Committee on Appropriations.

18 SB 23 Introduced by: The Committee on Health and Human Services at the request of the
19 Department of Social Services

20 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
21 Certification Board for Alcohol and Drug Professionals and to increase certain fees.

22 Was read the first time and referred to the Committee on Health and Human Services.

23 SB 24 Introduced by: The Committee on Health and Human Services at the request of the
24 Department of Social Services

25 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the Board of
26 Examiners of Psychologists.

27 Was read the first time and referred to the Committee on Health and Human Services.

28 SB 25 Introduced by: The Committee on Health and Human Services at the request of the

1 Department of Human Services

2 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the Department
3 of Human Services and the treatment of persons with developmental disabilities.

4 Was read the first time and referred to the Committee on Health and Human Services.

5 SB 26 Introduced by: The Committee on Health and Human Services at the request of the
6 Department of Human Services

7 FOR AN ACT ENTITLED, An Act to update terminology for individuals with intellectual
8 disabilities and similar terms.

9 Was read the first time and referred to the Committee on Health and Human Services.

10 SB 27 Introduced by: The Committee on Appropriations at the request of the Department
11 of Veterans Affairs

12 FOR AN ACT ENTITLED, An Act to revise previous session laws related to the design,
13 construction, and equipping of a veterans home near Hot Springs, to make an appropriation
14 therefor, and to declare an emergency.

15 Was read the first time and referred to the Committee on Appropriations.

16 SB 28 Introduced by: The Committee on Appropriations at the request of the Bureau of
17 Finance and Management

18 FOR AN ACT ENTITLED, An Act to revise the property tax levies for the general fund
19 of a school district.

20 Was read the first time and referred to the Committee on Appropriations.

21 SB 29 Introduced by: The Committee on Appropriations at the request of the Department
22 of the Military

23 FOR AN ACT ENTITLED, An Act to authorize the Department of the Military to
24 purchase land for use by the South Dakota Army National Guard, to make an appropriation
25 therefor, and to declare an emergency.

26 Was read the first time and referred to the Committee on Appropriations.

27 SB 30 Introduced by: The Committee on Appropriations at the request of the Department
28 of the Military

1 FOR AN ACT ENTITLED, An Act to authorize the Department of the Military to
2 construct a motor vehicle storage building in Sioux Falls, to make an appropriation therefor, and
3 to declare an emergency.

4 Was read the first time and referred to the Committee on Appropriations.

5 SB 31 Introduced by: The Committee on Appropriations at the request of the Department
6 of Corrections

7 FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of a
8 maintenance building and to authorize the razing of two buildings at the STAR Academy in
9 Custer County

10 Was read the first time and referred to the Committee on Appropriations.

11 SB 32 Introduced by: The Committee on State Affairs at the request of the Bureau of
12 Administration

13 FOR AN ACT ENTITLED, An Act to revise the provisions under which the Bureau of
14 Administration may enter into contracts for insurance and reinsurance.

15 Was read the first time and referred to the Committee on Commerce and Energy.

16 SB 33 Introduced by: The Committee on State Affairs at the request of the Bureau of
17 Administration

18 FOR AN ACT ENTITLED, An Act to authorize the use of an online reverse auction for
19 the procurement of certain goods and services by governmental agencies.

20 Was read the first time and referred to the Committee on State Affairs.

21 SB 34 Introduced by: The Committee on State Affairs at the request of the Bureau of
22 Administration

23 FOR AN ACT ENTITLED, An Act to provide for the sale of the state's interests in certain
24 real estate and improvements located at the Human Services Center campus.

25 Was read the first time and referred to the Committee on State Affairs.

26 SB 35 Introduced by: The Committee on Judiciary at the request of the Office of the
27 Attorney General

28 FOR AN ACT ENTITLED, An Act to allow the prosecution to appeal from certain

1 judgments of acquittal.

2 Was read the first time and referred to the Committee on Judiciary.

3 SB 36 Introduced by: The Committee on Judiciary at the request of the Office of the
4 Attorney General

5 FOR AN ACT ENTITLED, An Act to protect the identity of the person or entity supplying
6 the intravenous injection substance for executions and to increase the penalty for a violation of
7 those provisions.

8 Was read the first time and referred to the Committee on Judiciary.

9 SB 37 Introduced by: The Committee on Judiciary at the request of the Office of the
10 Attorney General

11 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the insurance
12 fraud prevention unit.

13 Was read the first time and referred to the Committee on Judiciary.

14 SB 38 Introduced by: The Committee on Judiciary at the request of the Office of the
15 Attorney General

16 FOR AN ACT ENTITLED, An Act to increase the penalty for sexual acts between
17 juvenile correction facility employees and detainees.

18 Was read the first time and referred to the Committee on Judiciary.

19 SB 39 Introduced by: The Committee on Judiciary at the request of the Office of the
20 Attorney General

21 FOR AN ACT ENTITLED, An Act to establish a penalty for a juvenile convicted as an
22 adult of a Class A or B felony and allow a sentence of up to life imprisonment after a sentencing
23 hearing.

24 Was read the first time and referred to the Committee on Judiciary.

25 SB 40 Introduced by: The Committee on Transportation at the request of the Department
26 of Public Safety

27 FOR AN ACT ENTITLED, An Act to require certain receipts of delivery to grain elevators
28 be kept and to establish certain penalties for overweight vehicles and trailers.

1 Was read the first time and referred to the Committee on Agriculture and Natural
2 Resources.

3 SB 41 Introduced by: The Committee on Transportation at the request of the Department
4 of Public Safety

5 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the requirements
6 for school bus inspection and to authorize the Highway Patrol to approve school bus inspectors.

7 Was read the first time and referred to the Committee on Transportation.

8 SB 42 Introduced by: The Committee on Transportation at the request of the Department
9 of Public Safety

10 FOR AN ACT ENTITLED, An Act to update references to federal regulations regarding
11 safe transport of hazardous materials.

12 Was read the first time and referred to the Committee on Transportation.

13 SB 43 Introduced by: The Committee on Judiciary at the request of the Department of
14 Public Safety

15 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the crossing of
16 a railroad and to revise the penalty for certain railroad crossing violations by the driver of a
17 commercial motor vehicle.

18 Was read the first time and referred to the Committee on Judiciary.

19 SB 44 Introduced by: The Committee on Judiciary at the request of the Department of
20 Public Safety

21 FOR AN ACT ENTITLED, An Act to allow disqualification of commercial driver licenses
22 for violations of federal, state, or local texting bans while driving a commercial vehicle to
23 comply with federal regulations and requirements.

24 Was read the first time and referred to the Committee on State Affairs.

25 SB 45 Introduced by: The Committee on Transportation at the request of the Department
26 of Public Safety

27 FOR AN ACT ENTITLED, An Act to permit certain persons to renew an operator's
28 license, a motorcycle operator's license, or nondriver identification card without appearing in
29 person at a driver license exam site.

1 Was read the first time and referred to the Committee on Transportation.

2 SB 46 Introduced by: The Committee on Health and Human Services at the request of the
3 Department of Health

4 FOR AN ACT ENTITLED, An Act to repeal certain outdated statutes and cross references
5 related to the Department of Health.

6 Was read the first time and referred to the Committee on Health and Human Services.

7 SB 47 Introduced by: The Committee on Transportation at the request of the Department
8 of Transportation

9 FOR AN ACT ENTITLED, An Act to exempt highway personnel in the performance of
10 their duties from the minimum speed on interstate highways.

11 Was read the first time and referred to the Committee on Transportation.

12 SB 48 Introduced by: The Committee on Transportation at the request of the Department
13 of Transportation

14 FOR AN ACT ENTITLED, An Act to authorize the Transportation Commission to
15 establish rules governing the allowance, placement, and maintenance of newspaper vending
16 machines at interstate rest areas.

17 Was read the first time and referred to the Committee on Transportation.

18 SB 49 Introduced by: The Committee on Transportation at the request of the Department
19 of Transportation

20 FOR AN ACT ENTITLED, An Act to establish the fee charged by registers of deeds for
21 documents filed by the Department of Transportation disposing of highway right-of-way that
22 is no longer needed for highway purposes.

23 Was read the first time and referred to the Committee on Transportation.

24 SB 50 Introduced by: The Committee on Taxation at the request of the Department of
25 Revenue

26 FOR AN ACT ENTITLED, An Act to authorize the Department of Revenue to provide
27 certain lists to other state agencies.

28 Was read the first time and referred to the Committee on Taxation.

1 SB 51 Introduced by: The Committee on Appropriations at the request of the Department
2 of Revenue

3 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the application
4 of the collection allowance credit for collecting the sales tax.

5 Was read the first time and referred to the Committee on Appropriations.

6 SB 52 Introduced by: The Committee on Commerce and Energy at the request of the
7 Department of Revenue

8 FOR AN ACT ENTITLED, An Act to authorize one cent credit denominations for video
9 lottery machines, to authorize the award of one thousand dollars on a video lottery machine, and
10 to make form and style changes to certain provisions regarding the lottery.

11 Was read the first time and referred to the Committee on Commerce and Energy.

12 SB 70 Introduced by: Senators Olson (Russell), Adelstein, Bradford, Brown, Buhl, Ewing,
13 Frerichs, Heineman (Phyllis), Holien, Hunhoff (Jean), Jensen, Johnston, Kirkeby, Krebs,
14 Lederman, Lucas, Maher, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Peters, Rave,
15 Rhoden, Soholt, Sutton, Tidemann, Tieszen, Vehle, and White and Representatives Lust,
16 Bartling, Bolin, Conzet, Craig, Cronin, Dryden, Duvall, Ecklund, Erickson, Feinstein, Gibson,
17 Gosch, Hajek, Hansen, Hawks, Hawley, Heinemann (Leslie), Hickey, Hoffman, Hunhoff
18 (Bernie), Kirschman, Kopp, Latterell, Magstadt, Mickelson, Munsterman, Parsley, Qualm,
19 Romkema, Rounds, Rozum, Sly, Soli, Solum, Stevens, Tulson, Verchio, Westra, and Wink

20 FOR AN ACT ENTITLED, An Act to improve public safety.

21 Was read the first time and referred to the Committee on State Affairs.

22 **MESSAGES FROM THE HOUSE**

23 MR. PRESIDENT:

24 I have the honor to inform your honorable body that the House has adopted the report of
25 the Joint-Select Committee for the purpose of arranging a Joint Session of the two houses to
26 receive the message of the Governor.

27 Also MR. PRESIDENT:

28 I have the honor to inform your honorable body that the House has adopted the report of
29 the Joint-Select Committee for the purpose of notifying the Governor that the Legislature is
30 duly organized and ready to meet in Joint Session to receive any communications he may desire

1 to make.

2 Also MR. PRESIDENT:

3 I have the honor to inform your honorable body that the House has adopted the report of
4 the Joint-Select Committee relative to arranging for a joint session to receive the State of the
5 Judiciary message from the Chief Justice of the Supreme Court.

6 Also MR. PRESIDENT:

7 I have the honor to inform your honorable body that the House has appointed Reps. Wink,
8 Cronin, and Bartling, as a committee of three on the part of the House to meet with a like
9 committee on the part of the Senate to arrange for a Joint Session of the two houses to receive
10 the message of the Governor.

11 Also MR. PRESIDENT:

12 I have the honor to inform your honorable body that the House has appointed Reps. Wink,
13 Cronin, and Bartling as a committee of three on the part of the House to meet with a like
14 committee on the part of the Senate to notify the Governor that the Legislature is duly organized
15 and ready to meet in Joint Session to receive any communications he may desire to make.

16 Also MR. PRESIDENT:

17 I have the honor to inform your honorable body that the House has appointed Reps.
18 Gosch, Lust, and Bernie Hunhoff as a committee of three on the part of the House to meet with
19 a like committee on the part of the Senate relative to the Joint Rules for the Eighty-eighth
20 Legislative Session.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has appointed Reps.
23 Hansen, Munsterman, and Gibson as a committee of three on the part of the House to meet with
24 a like committee on the part of the Senate to arrange for legislative days for the members,
25 officers, and employees of the House and Senate.

26 Also MR. PRESIDENT:

27 I have the honor to inform your honorable body that the House has appointed
28 Reps. Gosch, Lust, and Bernie Hunhoff as a committee of three on the part of the House to meet
29 with a like committee on the part of the Senate for the purpose of setting the compensation
30 schedule of the elective and appointive officers and employees of the House and Senate for the

1 Eighty-eighth Legislative Session, pursuant to SDCL 2-5-8, with the full power to act and that
2 such compensation schedule be filed with the Director of the Legislative Research Council and
3 the State Auditor.

4 Also MR. PRESIDENT:

5 I have the honor to inform your honorable body that the House has appointed Reps. Sly,
6 Conzet, and Parsley as a committee of three on the part of the House to meet with a like
7 committee on the part of the Senate for the purpose of conferring with the Director of the
8 Legislative Research Council in regard to making arrangements for the distribution of the
9 official directory, House and Senate journals, and bills and other legislative printing for the two
10 houses and the state offices, with the full power to act.

11 Also MR. PRESIDENT:

12 I have the honor to inform your honorable body that the House has appointed Reps. Craig,
13 Hickey, and Feickert as a committee of three on the part of the House to meet with a like
14 committee on the part of the Senate relative to securing chaplains for the Eighty-eighth
15 Legislative Session.

16 Also MR. PRESIDENT:

17 I have the honor to inform your honorable body that the House has appointed Reps. Wick,
18 Craig, Hickey, and Feickert as a committee of four on the part of the House to meet with a
19 committee of three on the part of the Senate for the purpose of arranging for a memorial
20 recognition of deceased former members of the House and Senate.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has appointed Reps. Lust,
23 Wink, Cronin, Bernie Hunhoff, and Bartling as a committee of five on the part of the House to
24 meet with a committee of three on the part of the Senate to arrange for a Joint Session of the
25 Senate and House of Representatives to receive a message from the Chief Justice of the
26 Supreme Court.

27 Respectfully,
28 Arlene Kvislen, Chief Clerk

29 Sen. Begalka moved that the Senate do now adjourn, which motion prevailed and at
30 1:00 p.m. the Senate adjourned.

31 Jeannette Schipper, Secretary

1 JOINT SESSION

2 Pursuant to the report of the Joint-Select Committee, as found on page 13 of the Senate
3 Journal, the Senate convened with the House of Representatives in the House Chamber for the
4 purpose of receiving a message from the Chief Justice of the Supreme Court, David Gilbertson.
5 The President of the Senate, Matt Michels, presided.

6 The following prayer was delivered by Chaplain, Bishop David Zellmer, South Dakota
7 Synod of the ELCA, Sioux Falls, South Dakota:

8 Amos 5:21

9 ...I take no delight in your solemn assemblies.

10 23 Take away from me the noise of your songs;

11 I will not listen to the melody of your harps.

12 24 But let justice roll down like waters,

13 and righteousness like an ever-flowing stream.

14 O God of all Creation, we give thanks for the gift of the law and for those who work to
15 bring justice and mercy to all the people of South Dakota. We remember those who go in harms
16 way on our behalf, we pray especially for our National Guard troops that are serving overseas,
17 for those who govern and for those who craft the laws and for those who apply them. We ask
18 for wisdom, courage and the will to strive for justice for our Supreme Court Justices and Circuit
19 Court Judges, our Governor and Legislators and all those who hold elected or appointed office.

20 Bless this legislative session that the words from the prophet Amos might be fulfilled.

21 In Your Holy Name we pray.

22 The Secretary of the Senate, Jeannette Schipper, called the roll of the Senate and the
23 following members were present:

24 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman, Phyllis; Holien;
25 Hunhoff, Jean; Jensen; Johnston; Jones; Kirkeby; Lederman; Lucas; Maher; Monroe; Novstrup,
26 Al; Olson, Russell; Omdahl; Otten, Ernie; Peters; Rave; Rhoden; Soholt; Sutton; Tidemann;
27 Tieszen; Van Gerpen; Vehle; Welke; White

28 The Chief Clerk of the House of Representatives, Arlene Kvislen, called the roll of the
29 House and the following members were present:

30 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
31 Erickson; Feinstein; Gibson; Greenfield; Hagggar, Don; Hagggar, Jenna; Hajek; Hansen; Hawks;
32 Hawley; Heinemann, Leslie; Heinert, Hickey; Hoffman; Hunhoff, Bernie; Johns; Kaiser;
33 Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Miller; Munsterman; Novstrup,
34 David; Olson, Betty; Otten, Herman; Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema;
35 Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp, Sly; Soli; Solum; Stalzer; Steele;
36 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch.

1 Sen. Russell Olson moved that a committee of three on the part of the Senate and a
2 committee of five on the part of the House be appointed to escort the Honorable David
3 Gilbertson, Chief Justice of the state of South Dakota, to the rostrum.

4 Which motion prevailed and the President appointed as such committee Sens. Brown,
5 Russell Olson, and Frerichs on the part of the Senate and Reps. Lust, Wink, Cronin, Bernie
6 Hunhoff and Bartling on the part of the House.

7 The Sergeant at Arms announced the arrival of Chief Justice David Gilbertson, who was
8 escorted to the rostrum.

9 The Lieutenant Governor, Matt Michels, introduced the Honorable David Gilbertson, who
10 delivered the State of the Judiciary Address.

11 Sen. Russell Olson moved that the Joint Session do now dissolve.

12 Which motion prevailed.